



COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF MINES, MINERALS AND ENERGY  
DIVISION OF MINED LAND RECLAMATION  
P.O. DRAWER 900, BIG STONE GAP, VA 24219  
TELEPHONE: (276) 523-8198

NOTICE OF VIOLATION

COMPANY NAME	PERMIT NUMBER	NOTICE OF VIOLATION NUMBER

PERMITTEE NAME, ADDRESS, PHONE	CONTRACTOR NAME, ADDRESS, PHONE

INSPECTION DATE	INSPECTION REPORT NUMBER	VIOLATION DATE	TOTAL VIOLATIONS	COUNTY

PERSON SERVED WITH NOTICE OF VIOLATION	DATE/TIME OF SERVICE	TYPE OF SERVICE	CERTIFIED MAIL NUMBER OR SIGNATURE

INSPECTOR /SUPERVISOR	SIGNATURE	

NOTICE OF VIOLATION SUMMARY		
VIOLATION NUMBER	PERFORMANCE STANDARD CODE	ABATEMENT DATE

CONTACT THE DIVISION OFFICE OR INSPECTOR UPON COMPLETION OF EACH REMEDIAL ACTION



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**NOTICE OF VIOLATION**

**1. Authority**

Under the authority of the **Virginia Coal Surface Mining Control and Reclamation Act of 1979** (hereafter referred to as the "Act": Chapter 19, Title 45.1 of the **Code of Virginia**), as amended, this authorized representative of the Director of the Department of Mines, Minerals and Energy has conducted an inspection on the mine on this date and has found that a Notice of Violation must be issued with respect to each of the conditions, practices, or violations listed herein. **This form constitutes a separate Notice of Violation for each condition, practice, or violation listed.** Each Notice of Violation must be abated within the designated abatement time. You are responsible for doing work in a safe and workmanlike manner. This Notice shall remain in effect until it expires as provided by 4 VAC 25-130-843.15(a) of the **Virginia Coal Surface Mining Reclamation Regulations** or is modified, terminated, or vacated by written Notice of an authorized representative of the Director. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

**2. Formal Review and Temporary Relief (Section 45.1-249 of the Act)**

You may apply for a formal public hearing pursuant to Section 45.1-249 of the Act and 4 VAC 25-130-843.16 of the regulations to review this Notice by submitting a written request for administrative review, within 30 days of receipt of this Notice by you or your agent, to:

**Hearings Coordinator**  
Division of Mined Land Reclamation  
P. O. Drawer 900  
Big Stone Gap, Virginia 24219

If you apply for a formal public hearing, you may request temporary relief from this Notice pursuant to Section 45.1-249(C) of the Act. Your written request must be filed with the Hearings Coordinator prior to the issuance of the final formal hearing decision.

**3. Informal Review**

You may, pursuant to 4 VAC 25-130-843.15 of the regulations, request in writing within 15 days from your receipt of this Notice an informal public hearing to review the issuance of the Notice. The request must be submitted to the Hearings Coordinator at the aforementioned address. If an informal public hearing is requested, the hearing would be held at or near the minesite. The Hearings Coordinator will inform you by letter as to the date, time, and location of the informal hearing.

**4. Civil Penalties (Section 45.1-246 of the Act)**

You may submit written information under 4 VAC 25-130-845.17(a) of the regulations to the Division's Assessment Officer (at the above address) concerning the condition(s) or violation(s) covered by this Notice (within 15 days from your receipt of this Notice) which you believe should be considered in determining the facts and potential amount of civil penalty for each violation. The written information should also be submitted to the Inspector or authorized representative who issued this Notice.

For each violation covered by this Notice, a civil penalty of up to \$5,000 may be assessed for each day that the violation continues. If you fail to abate the violation(s) cited under the Notice of Violation within the set abatement period(s) or meet any interim step(s), you will be subject to the issuance of a failure to abate Cessation Order for each separate violation (4 VAC 25-130-845.15(b) of the regulations). This would result in a minimum daily civil penalty of \$750 per violation for each day that you fail to comply with the Cessation Order, not to exceed 30 days. The Cessation Order will require you to cease any and all coal surface mining operations on that portion of the permit associated with the particular violation(s).

**5. Effect on Permit**

If it is determined that a pattern of violations of any requirement(s) of the Act, regulations, or permit condition(s) exists, and that the violations were caused by unwarranted failure to comply or were willful, the permit may be suspended or revoked pursuant to Section 45.1-245C of the Act.

**For Further Information, please consult** Chapter 19, Title 45.1 of the **Code of Virginia** (Sections 45.1-245, 45.1-246, and 45.1-249), the **Virginia Coal Surface Mining Reclamation Regulations** (Part 4 VAC 25-130-843 and 4 VAC 25-130-845), or contact the Division of Mined Land Reclamation's office.